

Facsimile Transmittal

HellerEhrman

ATTORNEYS

1666 K Street, NW, Suite 300
Washington, D.C. 20006-1228
Main (202) 912-2000
Fax (202) 912-2020

To: Examiner Ronald B. Schwadron, Ph.D., U.S. PTO - Art Unit 1644
Telephone: 571.272.0851 Fax: 703.872.9306

From: Paul M. Booth
Telephone: (202) 912-2197
Direct Fax:

No. of Pages: 4 (including cover)
Date: August 30, 2004

40923.0048 US3 (4868)

Message:

Re: U.S. Patent Application No. 09/741,843
Filed: 22 DEC 2000
For: *IMMUNOCONJUGATES AND
HUMANIZED ANTIBODIES
SPECIFIC FOR B-CELL LYMPHOMA
AND LEUKEMIA CELLS*
Applicant(s): Leung et al.
IMM 126
Our Reference: 40923-0048 US3 (formerly 18733-996)

I hereby certify that a Response is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (703)872-9306) on 23 August 2004. This facsimile transmission includes a total of 4 pages.


Shana G. Stiles

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (202) 912-2000.

Heller Ehrman White & McAuliffe LLP www.hewm.com

New York Washington, D.C. Madison, WI San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage
Hong Kong Beijing Singapore Affiliated Offices: Milan Paris Rome

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

In re patent application of:
Shui-on LEUNG et al.

Confirmation No.: 9659

AUG 30 2004

Serial No.: 09/741,843

Art Unit: 1644

Filed: December 22, 2000

Examiner: Ronald B. Schwadron

For: **IMMUNOCONJUGATES AND HUMANIZED ANTIBODIES SPECIFIC FOR B-CELL LYMPHOMA AND LEUKEMIA CELLS**

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Response to the Office Action mailed July 28, 2004 for the above-captioned application. Applicants believe that no fee is due in association with the filing of this Response. However, the Commissioner is authorized to charge any fees that may be due for filing this Response to Deposit Account No. 08-1641.

Remarks

In the Notice of Non-Compliant Amendment ("Notice") issued on July 28, 2004, it is asserted that the amendment document filed on "April 18, 2004", is considered non-compliant for failure to provide a full listing of claims as required under 37 CFR § 1.121, as amended on June 30, 2003.

According to Applicants' files, no amendment was filed on April 18, 2004. Applicants suggest that the Examiner is referring to the Supplement To Third Preliminary Amendment, filed on April 8, 2004. If this is the case, Applicants submit that the Notice is improper for the reasons set forth below.

On December 24, 2002, a Third Preliminary Amendment was filed wherein claims 25-43 were canceled and claims 44-94 were added. On September 20, 2003, a fourth Preliminary Amendment was filed wherein claims 1-94 were canceled and claims 95-149 were added. On April 8, 2004, a Supplement To Third Preliminary Amendment was filed that contained no claim amendments.

The Third Amendment fully complies with the requirement, in effect on that date, under 37 CFR § 1.121. The Fourth Amendment fully complies with the requirement, in effect on that date, under 37 CFR § 1.121. The Supplemental To Third Preliminary Amendment contained no claim amendments. Accordingly, a listing of claims was not required under 37 CFR § 1.121 and the Amendment fully complied with 37 CFR § 1.121, in effect on that date.

In view of the above remarks, Applicants respectfully request that the Notice of Non-Compliant Amendment be withdrawn and the Supplement To Third Preliminary Amendment be entered.

The Examiner is invited to telephone the undersigned at the number listed below if the Examiner believes such would be helpful in advancing the application to issue. If any additional fees are required for the filing of this paper, Applicants authorize the Commissioner to charge any deficiency to Deposit Account No. 08-1641.

Respectfully submitted,

Date: August 30, 2004

Customer No. 26633
HELLER EHRMAN WHITE &
MCAULIFFE LLP
1666 K Street, N.W., Suite 300
Washington, DC 20006
Telephone: (202) 912-2000
Facsimile: (202) 912-2020

By Shawnmarie Mayrand-Chung

Paul M. Booth
Attorney for Applicant
Registration No. 40,244

Shawnmarie Mayrand-Chung
Agent for Applicant
Registration No. 48,436